

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

*(Write the District and Division, if any, of
the court in which the complaint is filed.)*

DANA BABINEAUX

*(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)*

-against-

Poudre ISD/Fossil Ridge HS/NICK PETERSEN, Counselor

City of Houston Police Department/STEPHEN AUGUSTINE, Officer

Harris Health System/Ben Taub NPC/MATT AYERS, D.O.

Harris Health System/UTHealth HCP/OLAOLUWA OKUSAGA, M.D.

*(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)*

-against-

HoustonISD/James Madison HS/ORLANDO REYNA/Principal

State of Texas/Harris County/DFPS/SHAUN BROUGHTON/CPS Investigator

**Complaint and Request For
Injunction**

Case No. _____
(to be filled in by the Clerk's Office)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	DANA BABINEAUX
Street Address	4311 Curly Oaks
City and County	Houston, Harris
State and Zip Code	TX, 77053
Telephone Number	(713)538-6065
E-mail Address	dana.babineaux@hotmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	STEPHEN AUGUSTINE
Job or Title (if known)	HPD OFFICER BADGE#5948
Street Address	1502 Ben Taub Loop
City and County	Houston, Harris
State and Zip Code	TX, 77030
Telephone Number	(832)394-4244
E-mail Address (if known)	stephen.augustine@houstonpolice.org

Defendant No. 2

Name	MATT AYERS D.O.
Job or Title (if known)	Doctor of Osteopathic Medicine
Street Address	1504 Taub Loop
City and County	Houston, Harris

State and Zip Code	TX, 77030
Telephone Number	(713) 798-4872
E-mail Address (if known)	matthew.ayers@bcm.edu

Defendant No. 3

Name	OLAOLUWA OKUSAGA M.D. MSc PHR
Job or Title (if known)	Medical Doctor and MScPHR
Street Address	2800 S. MacGregor Way
City and County	Houston, Harris
State and Zip Code	TX, 77021
Telephone Number	(713)741-3952
E-mail Address (if known)	olaoluwa.okusaga@uth.tmc.edu

Defendant No. 4

Name	NICHOLAS PETERSEN
Job or Title (if known)	High School Counselor
Street Address	5400 Ziegler Rd.
City and County	Fort Collins, Larimer
State and Zip Code	CO, 80528
Telephone Number	(970) 488-6272
E-mail Address (if known)	npetersen@psdschools.org

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 USC Section 1983/25 CFR 11.404 - False imprisonment / 18 USC 241 Conspiracy Against Rights

Title IX of the Education Amendments of 1972-Discrimination/Victims of Domestic Violence/28 USC 4101 Defamation

Federal Tort Claims Act-Medical Malpractice and Slander / 18 USC 2261A Stalking / 18 USC 1113 Attempt to Commit Murder

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (*name*) Dana Babineaux, is a citizen of
the State of (*name*) Texas.

b. If the plaintiff is a corporation

The plaintiff, (*name*) _____, is incorporated
under the laws of the State of (*name*) _____,
and has its principal place of business in the State of (*name*)
_____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (*name*) _____, is a citizen of
the State of (*name*) _____. Or is a citizen of
(*foreign nation*) _____.

b. If the defendant is a corporation

The defendant, (name) Poudre Valley ISD/FRHS/Nick Petersen, is incorporated under the laws of the State of (name) Colorado, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$700,000 for punitive, exemplary, compensatory, general, special, and treble damages and attorney fees.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

5400 Ziegler Road Fort Collins, CO 80528

4311 Curly Oaks Drive Houston, TX 77053

1504 Taub Loop Houston, TX 77022

2800 S. MacGregor Way Houston, TX 77030

13719 White Heather Dr, Houston, TX 77045

B. What date and approximate time did the events giving rise to your claim(s) occur?

Approximately 1:00PM on 3/2/16 through 3/21/16(Fort Collins, CO)

Approximately 3:00PM on 6/19/16 through 07/24/16(Houston, TX)

Approximately 11:52AM on 10/5/16-JMHS refused to release child even though Plaintiff had documentation and they didn't.

Aproximately on 10/6/16 CPS Shaun Broughton filed new report to carry out threat.

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

911 called after Plaintiff was assaulted by brother. Officer Padilla badge #3581 called Officer Augustine to avoid investigation

of Plaintiff's hacked cell phone. Augustine falsely arrested Plaintiff based on family's word without a signed

and sworn affidavit or personal observation. M. Ayers falsely diagnosed Plaintiff with Psychosis after a 5 minute conversation in an ER based on statements that can be proven. Joy Draper filed affidavit citing side effects of Risperdall.

O. Okusaga ignored false arrest and attempted to force Plaintiff into MHMRA system with deadly rx(s). Orlando Reyna enforced imaginary safety plan and Shaun Broughton demanded psych evaluation without a court order and lied to Plaintiff.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The Plaintiff was illegally detained on an emergency basis and was denied her freedom from 6/19-6/24/2016. Was
was placed on supervised visitation with daughter even though released because Plaintiff was determined NOT to be a
a danger to anyone. School counselor purposely caused a truancy situation for false report. Daughter has failing grades on
permanent transcript and held back in 9th grade and suffered parental alienation abuse and complete seperation from
by grandparents. Emotional distress for Plaintiff and daughter. Loss of income and inability to rebuild new homelife.

V. Relief

State briefly and precisely what relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

False arrest court documents need to be stricken from the record and psychiatric medical records need to be destroyed.
Fossil Ridge High School/Poudre Valley ISD needs to remove all non-passing grades from daughter's transcript. Joseph Babineaux Jr.
needs to be charged with assault. Shaun Broughton and Orlando Reyna need to be terminated from working with children and prosecuted

for fraud and attempted kidnapping. Charles and Mary Babineaux need to be prevented from filing any future CPS reports.
\$700,000 for punitive, exemplary, compensatory, general, special, and treble damages and attorney fees.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

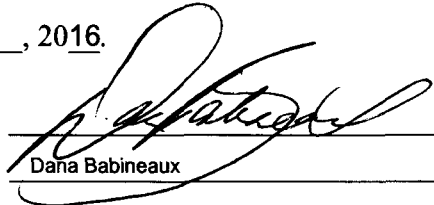
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____, 2016.

Signature of Plaintiff

Printed Name of Plaintiff



Dana Babineaux

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

Defendant No. 5

Name	Orlando Reyna
Job or Title	Principal
Address	13719 White Heather Dr, Houston, TX 77045
Telephone	(713) 433-9801
E-mail	<u>oreyna2@houstonisd.org</u>

Defendant No.6

Name	Shaun Broughton
Job or Title	Investigator
Address	3 Northpark Dr. Houston, TX 77060
Telephone	(281) 847-7030
E-mail	<u>shaun.broughton@dfps.state.tx.us</u>